

Exhibit 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELODIE PASSELAIGUE, on behalf of
herself and all others similarly situated,

Plaintiffs,

v.

GETTY IMAGES (US), INC., GETTY
IMAGES, INC., BILL DIODATO
PHOTOGRAPHY, LLC, and BILL
DIODATO,

Defendants.

Case No. 16-cv-01362-VSB-BCM

**PLAINTIFF'S FIRST SET OF
REQUESTS FOR THE PRODUCTION
OF DOCUMENTS TO DEFENDANTS
GETTY IMAGES (US), INC. AND
GETTY IMAGES, INC.**

Plaintiff Elodie Passelaigue, by and through her undersigned counsel, pursuant to Fed. R. Civ. P. 26 and 34, hereby serve a first set of requests for the production of documents on defendants Getty Images (US), Inc. and Getty Images, Inc.

I. DEFINITIONS & INSTRUCTIONS

Definitions

1. Pursuant to the Local Civil Rules for the Southern and Eastern Districts of New York, these Document Requests incorporate by reference the Uniform Definitions in Discovery Requests set forth in Local Civil Rule 26.3(c), regardless of whether or not those defined terms appear below in capital letters.

2. In addition, the following definitions shall apply:

a. "YOU," "YOUR," and "GETTY" shall mean defendants Getty Images (US), Inc. and Getty Images, Inc., and, where applicable, any

predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

b. "DIODATO" means defendants Bill Diodato and Bill Diodato Photography LLC, and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

c. "CORBIS" means Corbis Corporation and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

d. "IMAGES" means the photographs taken by DIODATO, including those taken under his pseudonym, Adrianna Williams, and available for license from GETTY or CORBIS on their websites.

e. "MODEL RELEASES" means any document purporting to convey to a photographer any rights concerning an image, including without limitation ownership or usage rights, e.g. but not limited to the type of

document constituting the Model Release attached to the Complaint as Exhibit 3 (Dkt. No. 1, at 63).

f. “VISUAL CHINA GROUP” means Visual China Group and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

Instructions

3. These document requests are continuing, and YOU are required to supplement YOUR responses seasonably.

4. If YOU object to any request, state with specificity all grounds for YOUR objection; any ground not stated in an objection shall be deemed waived.

5. If YOU assert a claim of privilege in objecting to any request or subpart thereof, and withhold information in full or in part or do not provide a response on the basis of such assertion:

- a. In the objection to the request, identify the privilege being claimed or asserted;
- b. Provide the following information in the objection: (A) the type of DOCUMENT; (B) the general subject matter of the DOCUMENT; (C) the date of the DOCUMENT; and (D) other information sufficient to identify the DOCUMENT, including the author(s), addressee(s),

copyholder(s) (including “blind” copyholder(s)), and, where not apparent, the relationship of the author(s) to the addressee(s) and copyholder(s).

6. In responding to these requests, YOU are required to furnish all DOCUMENTS available to YOU, including DOCUMENTS in the possession, custody, or control of YOUR attorneys, officers, agents, employees, accountants, consultants, representatives, or any PERSONS directly or indirectly employed by YOU or otherwise connected with YOU or YOUR attorneys or anyone else subject to YOUR control. All DOCUMENTS that are responsive, in whole or in part, to any portion of these requests shall be produced in their entirety, including all attachments.

7. All DOCUMENTS should be produced as they are kept in the ordinary course of business or should be organized and labeled to correspond to the specific requests to which they are responsive. All DOCUMENTS should be produced in any file folder or carton in which they have been maintained, and should be stored, clipped, stapled, or otherwise arranged in the same form and manner in which they were found.

8. Electronically Stored Information (ESI) shall be produced consistent with any ESI stipulation entered into by and between the parties, and “so ordered” by the Court.

9. In the event that any DOCUMENT responsive to any request has been destroyed or discarded, identify that DOCUMENT by stating the title (if known) and nature of the DOCUMENT, and furnish a list certified under oath by the document custodian providing the following information with respect to each DOCUMENT: (a) any

addressor, addressee, recipients, copyholders; (b) the DOCUMENT'S date, subject matter, number of pages, and attachments or appendices; (c) all PERSONS to whom the DOCUMENT was distributed, shown, or explained; (d) its date of destruction or discard and the manner of destruction or discard; and (e) the PERSONS authorizing and the PERSONS carrying out such destruction or discard.

II. DOCUMENT REQUESTS

Request No. 1

Documents sufficient to identify YOUR corporate structure and affiliate relationships, including but not limited to documents identifying flow of revenue between YOUR parents, subsidiaries, divisions and affiliates, from January 1, 2004 to the present.

Request No. 2

Documents sufficient to identify the individuals, entities, subsidiaries, divisions and/or affiliates responsible for the creation, design, operation and ownership of YOUR website, www.gettyimages.com, including the individuals or entities responsible for choosing the content of YOUR website, from January 1, 2004 to the present.

Request No. 3

Documents sufficient to identify the individuals, entities, subsidiaries, divisions and/or affiliates responsible for drafting the licensing agreements on YOUR website, from January 1, 2004 to the present.

Request No. 4

All MODEL RELEASES for the IMAGES.

Request No. 5

All communications between YOU and any other person, including DIODATO, models, modeling agencies, advertising agencies, advertisers, and clients, relating to the IMAGES, including without limitation communications relating to MODEL RELEASES for the IMAGES.

Request No. 6

All communications between YOU and CORBIS relating to the IMAGES, including communications relating to the MODEL RELEASES for the IMAGES.

Request No. 7

All documents concerning YOUR offer to license and YOUR licensing of the IMAGES.

Request No. 8

All documents concerning the monetary amount paid to YOU, and by whom, for every license of the IMAGES.

Request No. 9

Documents sufficient to show how each IMAGE licensed by YOU was used by the licensee.

Request No. 10

All communications regarding the submission to YOU of MODEL RELEASES for the IMAGES.

Request No. 11

All documents concerning monies and other consideration paid by YOU to DIODATO concerning the IMAGES.

Request No. 12

All documents concerning IMAGES provided to YOU by or on behalf of CORBIS and/or VISUAL CHINA GROUP, including without limitation any related releases, contracts, agreements, or invoices.

Request No. 13

Documents constituting and sufficient to identify and describe in detail YOUR document and ESI retention policies, practices, and procedures, including any changes thereto, since January 1, 2004.

Dated: May 20, 2016



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